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In re application of
Michael Catt et al.
Serial No. 09/655,355
Filed: September 5, 2000
For: FERTILITY COMPUTING SYSTEM AND METHOD

DECISION ON
PETITION

This is a response to the REQUEST FOR RECONSIDERATION OF DECISION ON PETITION filed on April 12, 2004. The request asks that the Notice of Abandonment mailed July 9, 2003, for failure to timely file new formal drawings as required in the Notice of Allowability, be withdrawn since the applicants did not receive the Office Letter mailed March 26, 2003 that states that the drawings filed on September 5, 2000 are not acceptable for the reasons identified on the attached PTO-948. It should also be noted that the Notice of Allowability in fact did not require formal drawings.

DECISION

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the evidence presented reveals that the request can be granted. The applicant is correct in stating that the Notice of Allowability does not require formal drawings as stated in the Notice of Abandonment. It is clear that the Notice of Abandonment should have stated that the "application is abandoned in view of Applicant's failure to timely file a proper response to the Office letter mailed on March 26, 2003" - the incorrect box was checked on the Notice of Abandonment. The applicants have provided evidence that they did not receive the Office Letter mailed March 26, 2003. A review of the PAIR system that is accessible to Applicants does not indicate that any paper was mailed on this date.

The Petition is **GRANTED**.

The application will be returned to active status and a copy of the Office letter from March 26, 2003 will be mailed to the applicants. The new response period will be set for two months from the mailing date of the new notice. This time period will not be extendable. Failure to take corrective action within the set period will result in abandonment of the application.

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